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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/676,454	10/01/2003	John L. Thiele	58611US002	7558	
32692	7590 09/05/2006		EXAMINER		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427			AHMAD,	AHMAD, NASSER	
	иN 55133-3427		ART UNIT PAPER NUMBER		
• •			1772		
		DATE MAILED: 09/05/2006			

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/676,454	THIELE, JOHN L.			
		Examiner	Art Unit			
		Nasser Ahmad	1772			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ F	1) Responsive to communication(s) filed on 20 June 2006.					
•—	•	action is non-final.				
• —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)🛛 (4)⊠ Claim(s) <u>18-35</u> is/are pending in the application.					
•	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) 🗌 (5) Claim(s) is/are allowed.					
6)🛛 (6)⊠ Claim(s) <u>18-35</u> is/are rejected.					
7) 🗌 (Claim(s) is/are objected to.					
8) 🗌 (Claim(s) are subject to restriction and/o	r election requirement.				
Application	on Papers					
9)□ T	The specification is objected to by the Examine	er.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	nder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
	e of References Cited (PTO-892)	4) Interview Summary	(PTO-413)			
2) Notice	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D				
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:						

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DETAILED ACTION

Rejections Maintained

- 1. Claims 18-22 and 27-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Shizuno (2003/0088928) for reasons of record made in the last Office action mailed on 5/19/2006.
- 2. Claims 18-22 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shizuno for reasons of record made in the last Office action mailed on 5/19/2006.
- 3. Claims 23-26 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shizuno for reasons of record made in the last Office action mailed on 5/19/2006.

Response to Arguments

4. Applicant's arguments filed 6/20/2006 have been fully considered but they are not persuasive.

Applicant argues that the "transitional phrase **consisting essentially of** limits the scope of the claim to the specified materials and those that do not materially affect the basis and novel characteristics of the claimed invention". Applicant also argues that Shizuno's adhesive includes a softener with the polymer and tackifier, and that the softener would affect the physical properties of the resulting adhesive. At first, Examiner agrees with the applicant regarding the transitional phrase. Secondly, applicant has not provided any evidentiary showing as to how the presence of softener affects the

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physical properties of the adhesive. Specifically, with the amount of softener being as low as 10 pbw, it won't materially affect the properties of the tackifier because the adhesive would still provide for the adhesivability and tackiness.

Regaerding the 35 USC 103(a) rejection, the above explanation for **consisting** essentially of apply a fortiori herein.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the claimed invention is anticipated or rendered obvious over the prior art of record discussed hereinabove.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nasser Ahmad 8/31/06

Primary Examiner
Art Unit 1772

N. Ahmad. August 31, 2006.